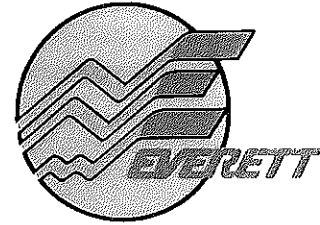


Ordinance No. 3078-Q8



**AN ORDINANCE AMENDING SECTIONS 1 AND 4
OF ORDINANCE NO. 1671-89, AS AMENDED (EMC TITLE 19,
ZONING), AND ESTABLISHING A NEW MOBILEHOME PARK
OVERLAY ZONE**

WHEREAS, the Growth Management Act (GMA) and the City of Everett Comprehensive Plan recognize that available, affordable housing is essential to a vital economy and a healthy community; and

WHEREAS, manufactured homes in mobilehome park communities tend to remain affordable, compared to homes on fee-simple land; and

WHEREAS, mobilehome park owners face increasing pressure to convert their mobilehome parks to other uses, due in part to increased land values and the resulting increased tax assessments; and

WHEREAS, mobilehome park community residents are vulnerable to displacement because, although they own their homes, they do not own the land upon which their homes rest; and

WHEREAS, the closure of mobilehome parks decreases potential housing options for seniors and persons with limited or fixed income; and

WHEREAS, there are 10 mobilehome parks in Everett, of which eight are located within residential zones; and

WHEREAS, a mobilehome park owner's long-term commitment (i.e., five years or longer) to retain a mobilehome park in its present use may result in a lower assessed value of the underlying land and lower property tax assessment; and

WHEREAS, this ordinance provides a method for owners to make such a commitment, on a voluntary basis, by requesting that the Mobilehome Park Overlay Zone created by this ordinance be applied to their mobilehome park property; and

WHEREAS, the Planning Commission reviewed the proposed amendments, conducted a public hearing on May 20, 2008, considered public comment, and adopted a resolution recommending that the Council approve the proposed amendments; and

WHEREAS, the proposed amendments are consistent with the Comprehensive Plan Policies; and

WHEREAS, all proposed amendments were submitted for the mandatory 60-day state agency review; and

WHEREAS, the City Council finds the following:

1. The proposed amendments to the Zoning Code are consistent with the applicable provisions of the Everett Comprehensive Plan; and
2. The proposed amendments to the Zoning Code bear a substantial relation to the public health, safety and welfare; and
3. The proposed amendments to the Zoning Code promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES HEREBY ORDAIN:

Section 1. Section 1.040 of Ordinance No. 1671-89 (EMC 19.01.040), as amended, which reads as follows:

In certain instances, special circumstances warrant the application of special regulations or administrative processes to specific areas. In order to apply these special regulations or administrative processes, the following overlay zones are established:

FWD	floodway district
UFFD	urban flood fringe district
RFFD	rural flood fringe district
PRD	planned residential development
H	historic
D	design compatibility
C	clinic and medical-related activities
O	office
CO	clinic and office
PD	planned development
S	shoreline overlay district

is hereby amended to read as follows:

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S	shoreline overlay district
MHP	mobilehome park

Section 2. Section 1.050.F of Ordinance No. 1671-89, as amended (EMC 19.01.050.F), which reads as follows:

F. Overlay Zones.

1. Floodplain Overlay Zones. The purpose of the floodplain overlay zones is to protect the public health, safety and welfare in areas subject to periodic inundation due to flooding, recognizing the fact that the Snohomish River periodically carries more than the normal flow of water and recognizing a desire to minimize loss of life and property. These regulations control the uses and regulate structures consistent with the degree of flood hazard. In advancing the general purposes of the zoning ordinance and the Everett general plan, the specific intent of the floodplain overlay zones is:

- a. To restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities;
- b. To require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

- c. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- d. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- e. To meet the minimum requirements of the National Flood Insurance Program, thus qualifying residents of the city to participate in the Federal Flood Insurance Program.

2. PRD Planned Residential Development Overlay Zone. The purpose of the planned residential development overlay zone is to:

- a. Permit flexibility in design of residential environments through placement and spacing of buildings, use of open spaces, pedestrian circulation, facilities and off-street parking areas in order to achieve the best utilization of a site characterized by special features of geography, vegetation, topography, size or shape;
- b. Promote orderly growth in undeveloped areas of the city by maximizing the efficiency of utilities and roads and other capital improvements;
- c. Provide for a variety of housing types in conformance with the policies of the Everett general plan;
- d. Preserve and maintain environmentally sensitive areas which could be negatively impacted by traditional development techniques;
- e. Provide a mechanism enabling residential development in areas of the city where assembly of parcels is difficult;
- f. Provide greater predictability for the developer on his chances of gaining approval on a conceptual design basis;
- g. Provide adjoining neighborhoods and city officials with assurances that the project will retain the character envisioned at the time of approval; and
- h. Allow an opportunity for participation in the project review process by the general public.

3. H Historic Overlay Zone. The purpose of the historic overlay zone is to:

- a. Establish a regulatory mechanism for the designation and protection of historic sites, buildings, districts and landmarks;
- b. Provide for methods of modifying the development standards of the underlying zone in the interest of preserving or enhancing the historic features or significance of a particular site; and
- c. Recognize the depth of historical resources in Everett and their significance to the heritage of the community.

4. D Design Compatibility Overlay Zone. The purpose of the design compatibility overlay zone is to:
 - a. Recognize areas of a distinct character or architectural significance which are worthy of enhancement and protection by establishing criteria for buildings and sites within the district;
 - b. Promote high quality development in “gateway” entrances into the city; and
 - c. Encourage development with a particular theme or character which is not otherwise possible given the requirements of the underlying zone.
5. C Clinic and Medical-Related Activities Overlay Zone. The purpose of the clinic and medical-related activities overlay zone is to provide the opportunity for intensive use of R-3, R-4 and R-5 zoned areas for medical services in areas where such uses have already been established and where such uses are provided for by the Everett general plan.
6. O Office Overlay Zone. The purpose of the office overlay zone is to provide for a limited range of office activities in R-4 and R-5 zoned areas where such uses have already been established and where such uses are provided for by the Everett general plan.
7. CO Clinic and Office Overlay Zone. The purpose of the clinic and office overlay zone is to provide for clinics, medical-related activities, and office uses in R-4 and R-5 zoned areas where such uses have already been established and where such uses are provided for by the Everett general plan.
8. PD Planned Development Overlay Zone. The purpose of the planned development (PD) overlay zone is to allow for commercial, industrial and mixed-use developments which are of a unique character and desirable quality, and which are beneficial to the area in which the property is located and to the community in general. The planned development overlay zone may only be applied to commercial or industrial zones. It is the intent of this chapter to provide a public review process through which a planned development may be proposed with alternative standards to those contained in this title, and that the primary basis for city approval of alternative development standards is that the proposal will result in a development which, as a whole, provides public benefits and high quality development that otherwise cannot be realized through conformance to the requirements of this title.
9. S Shoreline Overlay District. The purpose of the shoreline overlay district is to implement the city’s shoreline master program.

is hereby amended to read as follows:

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10. MHP Mobilehome Park Overlay Zone. The purpose of the MHP zone is to encourage the retention of existing mobilehome parks within residential zoning districts in the City.

Section 3. Section 4.020 of Ordinance No. 1671-89, as amended (EMC 19.04.020), definition of “mobilehome park,” which reads as follows:

“Mobilehome park” means a lot where two or more mobilehomes are used for dwelling purposes.

is hereby amended to read as follows:

“Mobile home park” means any real property which is rented or held out for rent to others for the placement of two or more mobilehomes or manufactured homes for the primary purpose of production of income.

Section 4. Ordinance No. 1671-89, as amended (EMC Title 19, Zoning), is hereby amended by the addition of the following:

Mobilehome Park Overlay Zone.

- A. **Rezone Review Process.** An application for “Mobilehome Park Overlay” shall be reviewed as a site-specific rezone using the procedures set forth at EMC 19.41.160.B.2 and EMC15.16.120.A.
- B. **Criteria.** In addition to other criteria applicable to rezone applications, an application to rezone property to the Mobilehome Park (MHP) Overlay Zone shall meet the following criteria:
 - 1. The MHP overlay zone may be established only for an existing, lawfully operated mobilehome park.
 - 2. The mobilehome park must be located within a residential zoning district.
- C. **Effect.** An approved mobilehome park overlay shall remain in effect, and no use other than mobilehome park shall be permitted, for five years from the date of approval, unless the owner has requested, and the City granted, approval of a longer time period. Such request shall be made in writing to the Planning Director and shall be approved absent extraordinary circumstances. The zone shall be self-renewing annually for a five year period unless the owner notifies the park tenants and the City after the third anniversary of the rezone agreement of his/her intent to opt out of the MHP zone a minimum of two (2) years prior to expiration of the remaining effective period of the rezone agreement. Upon expiration of the mobilehome park overlay designation, zoning shall revert to the underlying zoning designation.

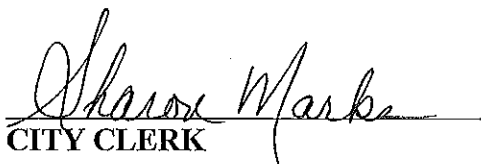
Section 5. Severability. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 7: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.


Ray Stephanson, Mayor

ATTEST:


CITY CLERK

Passed: 7-23-08

Valid: 7-28-08

Published: 7-31-08

Effective Date: 8-12-08